

[REDACTED]

I sent you the above with the Action Sheet on 21th May evening, however it is not uploaded and this Case should be sign off on Friday.
I would appreciate if you upload the above according to the Action Sheet attached.

Thank you



Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

[REDACTED]

Please upload attached.
The Action Sheet follows.

[REDACTED]

2,



Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

Hi Maria

Got your message. Attached revised drawings for plot 2 and 5 showing the study. Hopefully you can now approve the application. Just to note when you are issuing the decision notice can you make sure it is worded so as not to have to discharge any more conditions. We have already got discharge of conditions on the previous consent so these should follow over as performance conditions in accordance with the information already submitted. I don't want to have to submit another discharge of condition application for any new conditions.

Regards

Philip Dudley
Director



ARCHITECTURAL DESIGN & PLANNING SERVICES

Paddock View, Calcot Mount Business Park, Calcot Lane, Curdridge, Southampton, Hampshire, SO32 2BN

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.

[REDACTED]

Hi Philip,

I have left you a voicemail message on your phone.

We can accept the above application under section 73 if you sow the third rooms within units 2 and 5 as a study. It is because units at plots 2 and 5 to be 3bed 4 people with internal space requirement 84sqm whilst 81sqm provided (3sqm shortfall), however the number of future occupiers is the same; 4 people. The size of every bedroom is according the requirement within the NDSS.

If you send me amended drawings today it would be the best since there is an EoT with deadline tomorrow.

Kind regards

Maria

Maria [REDACTED]



Visit Arun's web site at www.arun.gov.uk  Save the environment - think before you print.

[REDACTED]

Hi Maria

Sorry I forgot it was bank holiday on Firday so I am still chasing client to confirm what they want to do. Can we extend the deadline to this Friday please so I can catch up with my client today.

Just an idea. I understand the issue that a section 73 cannot change the description so we are pretty stuck on this one. However to keep the description of the application the same can we simply call bed 3 a study on the drawings for the 2 units that are the 2 beds therefore it shows a room but it is still a 2 bed unit with a study?

Regards

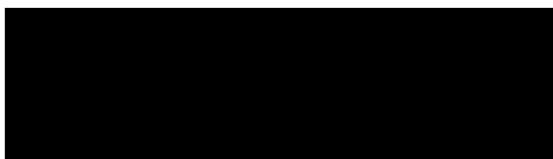
Philip Dudley

Director



ARCHITECTURAL DESIGN & PLANNING SERVICES

Paddock View, Calcot Mount Business Park, Calcot Lane, Curdridge, Southampton, Hampshire, SO32 2BN



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.



Philip,

This application will be due to 8th May.

I wish you all the best.

Maria



Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.



Hi Maria

Thank you. Can we agree an extension of time till Friday 8th May and I will review with my client and see how we deal with this.

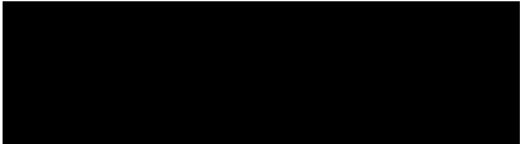
Regards

Philip Dudley
Director



ARCHITECTURAL DESIGN & PLANNING SERVICES

Paddock View, Calcot Mount Business Park, Calcot Lane, Curdridge, Southampton, Hampshire, SO32 2BN



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.



Hi Philip,

There is no problem with an extension of time and I apologize for a last minute.

I have considered as a strait forward, however there is not such an application.
This is rather awkward situation.

I am always confused from this planning issue; on one hand you have all this permitted Developments (PA and others) which they many times have rather dramatic consequences

and on the other hand such an exercise for a simple change...

I am sorry for that since intension is good.

Kind regards

Maria



Hi Maria

Thank you for your comments.

I need time to consult with my client and his solicitor on this one as this is a major issue. My client has sold all the properties and currently has a funder funding the build. I need time to work out how we get over this and what cause of action we need to take.

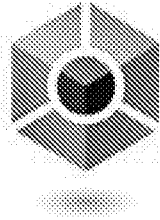
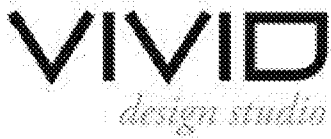
I know the decision date is today but I need an extension of time to consult with my client before you make any decisions as we do not want a refusal as this will potential mean the funding withdrawing funds and the buyers pulling out which will put my client in a very difficult financial position. Considering the current circumstances we are in this is not going to help.

I am happy to agree an extension of time as you will appreciate this is last minute and does not give me any time to consider the options.

Can we agree on extension of time for a week so I can review.

Regards

Philip Dudley
Director



ARCHITECTURAL DESIGN & PLANNING SERVICES

Paddock View, Calcot Mount Business Park, Calcot Lane, Curdridge, Southampton, Hampshire, SO32 2BN

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.



Hi Philip,

I would like to ask you to withdraw the above application, since it is not possible to approve it under section 73. The explanation why is below:

Preparing the approval for the variation of condition I have realized that what you propose would change the description of the original application: 'Demolition of existing building and erection of 6No. dwellings, 2x 3 bedroom and 4x 2 bedroom with associated access and car parking. ' The result of variation is 4x3 2x2, practically acceptable but from the legal point of view not. I was trying hard to find a solution and consulting our Legal if there is some discretion.

Their response is below:

The Court of Appeal in *Finney*:

Lewison LJ found that, when considering applications under TCPA 1990, s 73, **LPAs could only vary or remove the conditions attached to a previous permission and could not amend the description of the development to which the conditions were attached, or, in other words, the 'operative part' of the permission.**

This would appear to amend the description, therefore in line with *Finney* could not be permitted under s73.

Kind regards

Maria



Visit Arun's web site at www.arun.gov.uk  Save the environment - think before you print.

<http://www.arun.gov.uk>
DX 57406 Littlehampton
You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

<http://www.arun.gov.uk>
DX 57406 Littlehampton
You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

<http://www.arun.gov.uk>
DX 57406 Littlehampton
You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

<http://www.arun.gov.uk>
DX 57406 Littlehampton
You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

reference to "e-mail" in this disclaimer includes any attachments.
